

67A.450 Death not in the line of duty of member ineligible or eligible for voluntary service retirement -- Benefits to surviving spouse and minor children.

- (1) For a member who on the date of death is not eligible for a voluntary service retirement under KRS 67A.410, whose death occurs while in service, arising from any cause other than in the performance of duty, provided the member has had at least five (5) years of total service, his or her surviving spouse shall receive an annuity equal to one and one-half percent (1-1/2%) of average salary for each year of total service, credited to the member, but not less than fifteen percent (15%) of average salary, subject to the following conditions:
 - (a) The surviving spouse had been married to the member at least six (6) months prior to his or her death;
 - (b) The surviving spouse's annuity will terminate in any event when the surviving spouse dies. The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23).
- (2) If, in addition to a surviving spouse, minor children survive the member, an additional annuity shall be payable for such children equal to fifty percent (50%) of the amount of the surviving spouse's annuity for the first child, and twenty-five percent (25%) of the amount of the surviving spouse's annuity for each additional child, subject to a maximum combined payment for the surviving spouse and children of seventy-five percent (75%) of the member's average salary. The annuity payable for minor children shall be divided and paid in equal amounts for each child to the parent or guardian of each child under eighteen (18), and directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. As eligibility of children expires, the total annuity payable for such children shall be reduced by percentage amount in reverse order.
- (3) If the member is not survived by a surviving spouse who qualifies under KRS 67A.450(1)(a) and there are minor children, the following benefits shall be paid: (a) one (1) minor child, fifty percent (50%), (b) two (2) minor children, fifteen percent (15%) additional, (c) three (3) or more minor children ten percent (10%) additional, subject to a maximum combined payment of seventy-five percent (75%) of the average salary as defined in KRS 67A.360(13). The benefits payable for minor children shall be divided and paid in equal amounts for each child to the parent or legal guardian of each child under the age of eighteen (18), and directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23). The annuity payments shall be reduced in reverse order, as provided in subsection (2) of this section.
- (4) Any active member who, on the date of death would otherwise be eligible for a service retirement under KRS 67A.410, shall be deemed to have service until the date of the member's death calculated with credit for accumulated sick leave under

KRS 67A.404. The deceased member shall be deemed to have elected the survivorship one hundred percent (100%) allowance option under KRS 67A.492(2)(b).

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 2, effective July 15, 2020. -- Amended 2006 Ky. Acts ch. 144, sec. 6, effective April 4, 2006. -- Amended 1990 Ky. Acts ch. 189, sec. 2, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 81, sec. 2, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 175, sec. 2. -- Created 1974 Ky. Acts ch. 106, sec. 10.